

ENTERED

July 18, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**JOSE CAMACHO,
“Plaintiff,”

v.

HEBER DUARTE TORRES, et al.,
Defendants.§
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Civil Action No. 1:21-cv-00146

ORDER

Before the Court is the “Magistrate Judge’s Amended Report and Recommendation” (“R&R”) (Dkt. No. 206); Plaintiff’s “Objections to Magistrate Judge’s R&R on Defendant’s Motions to Dismiss” (“Objections”) (Dkt. No. 207); and Plaintiff’s “Amended Objections to Magistrate Judge’s R&R” (“Amended Objections”) (Dkt. No. 208). The R&R (Dkt. No. 206) is **ADOPTED** for these reasons:

I. PROCEDURAL BACKGROUND

Plaintiff filed his First Amended Complaint (Dkt. No. 25) against fifty-nine defendants.¹ As the R&R (Dkt. No. 206) describes, Plaintiff’s factual and legal allegations are incoherent, but he essentially sued for wrongdoing related to child support, child custody, and divorce proceedings. *See* Dkt. No. 1. Several defendants timely moved to dismiss.

The R&R (Dkt. No. 206) recommends the Court grant the following: Defendant Jack Marr’s “Motion to Dismiss” (Dkt. No. 37); Defendant Greg Abbott’s Motion to Dismiss (Dkt. No. 38); Defendant Glenn Hegar’s Motion to Dismiss (Dkt. No. 39); Defendant Lisa Harvey-Moore’s Motion to Dismiss (Dkt. No. 40); Defendants Codi Balli, James Michael Brewer, City of Victoria, A. Davis, Lavaca County, Lavaca County Sheriff’s Office, Michael Shawn Leet, T. Michael O’Connor, Rowland Elementary, Victoria County, Victoria County Jail, Victoria County Sheriff’s Office, and Victoria Police Department’s Motion to Dismiss (Dkt. No. 41); Defendant David Sanchez’s Motion to Dismiss (Dkt. No. 42); Defendants Noah’s Ark and Debbie White’s Motion to Dismiss (Dkt. No. 44); Defendant Leigh Burton’s Motion to Dismiss (Dkt. No. 60); Defendants Jodi Council and Kid Versity’s Motion to Dismiss (Dkt. No. 66); Defendants Laura Howard and

¹ This Court dismissed twenty-two defendants for Plaintiff’s failure to timely serve those defendants and comply with the Court’s orders. Dkt. No. 201.

Kansas Department for Children and Families’ Motion to Dismiss (Dkt. No. 67); Defendant Jill Williams’ Motion to Dismiss (Dkt. No. 129); Defendant Ken Paxton’s Motion to Dismiss (Dkt. No. 130); Defendant Heber Duarte Torres’ Motion to Dismiss (Dkt. No. 131); Defendant Women’s Crisis Center’s Motion to Dismiss (Dkt. No. 133); Defendant Texas Department of Family and Protective Services’ Motion to Dismiss (Dkt. No. 136); Defendants City of Yoakum, Paul Lilley, Michael Pierman, and Yoakum Police Department’s Amended Motion to Dismiss (Dkt. No. 164); and Defendants Christian Fitzgerald, the Office of the Attorney General – Child Support Division 707, Dayna Tuttle, and the Child Support Disbursement Unit’s Amended Motion to Dismiss (Dkt. No. 165) (collectively, “Defendants’ MTD”).

The R&R (Dkt. No. 206) also recommends the Court dismiss Plaintiff’s claims against all defendants listed above (collectively, “Defendants”) and direct the Clerk of Court to close this case.

Plaintiff timely filed his “Objections” (Dkt. No. 207) alleging that none of the Defendants are entitled to the defenses set forth in their MTD, and that he has no recourse in state court if his claims are dismissed. Plaintiff did not timely file his “Amended Objections” (Dkt. No. 208).

II. DISCUSSION

A party may file specific, written objections to the magistrate’s proposed findings and recommendations, thereby securing de novo review by the district court. 28 U.S.C. § 636(b); FED. R. CIV. P. 72(b). These objections must specifically identify those findings or recommendations to which exception is taken. *Stafford v. Berryhill*, No. 6:18-CV-00233-ADA, 2019 WL 2565273, at *1 (W.D. Tex. Jan. 25, 2019). The Court need not consider frivolous, general, or conclusive objections. *See Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987). A party’s failure to timely file written objections to the proposed findings, conclusions, and recommendations in a R&R bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglas v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc).

Plaintiff’s Amended Objections (Dkt. No. 208) were filed after the fourteen-day deadline set by 28 U.S.C. § 636, and he did not request leave to file late. Thus, Plaintiff’s Amended Objections (Dkt. No. 208) will not be considered.

Plaintiff timely filed his Objections (Dkt. No. 207), but his objections were conclusive and general. Plaintiff cites no law or fact to support his objections; he states he “addressed all defenses

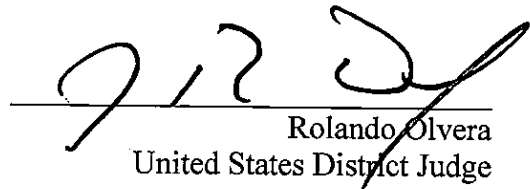
presented in defendants [sic] motions to dismiss and was able to present this court with the legalities entitled plaintiff to claims and relief requested herein.” Dkt. No. 207 at 4. The Court may not consider these objections, so it will review the R&R for clear error. *See Battle*, 834 F.2d at 421.

Having reviewed the R&R and finding no clear error, the R&R (Dkt. No. 206) is **ADOPTED**.

III. CONCLUSION

The Court **ADOPTS** the R&R (Dkt. No. 206). Plaintiff’s Objections (Dkt. No. 207) are **OVERRULED**. The Clerk of the Court is **ORDERED** to **STRIKE** Plaintiff’s Amended Objections (Dkt. No. 208) from the docket. Defendants’ MTD (Dkt. Nos. 37, 38, 39, 40, 41, 42, 44, 60, 66, 67, 129, 130, 131, 133, 136, 164, 165) are **GRANTED**. Plaintiff’s claims against these Defendants are **DISMISSED with prejudice**: Jack Marr; Greg Abbott; Glenn Hegar; Lisa Harvey-Moore; Codi Balli; James Michael Brewer; City of Victoria; A. Davis; Lavaca County; Lavaca County Sheriff’s Office; Michael Shawn Leet; T. Michael O’Connor; Rowland Elementary; Victoria County; Victoria County Jail; Victoria County Sheriff’s Office; Victoria Police Department; David Sanchez; Noah’s Ark; Debbie White; Leigh Burton; Jodi Council; Kid Versity, LLC; Laura Howard; Kansas Department for Children and Families;² Jill Williams; Ken Paxton; Heber Duarte Torres; Women’s Crisis Center; Texas Department of Family and Protective Services; City of Yoakum; Paul Lilley; Michael Pierman; Yoakum Police Department; Christian Fitzgerald; Office of the Attorney General—Child Support Division 707; Dayna Tuttle; and Child Support Disbursement Unit. The Clerk of the Court is **DIRECTED** to close this case.

Signed on this 18th day of July, 2023.


 Rolando Olvera
 United States District Judge

² “Kansas Department of Child Support Services” is not a specific agency within the State of Kansas; it is a part of the Kansas Department for Children and Families. Dkt. No. 67 at n.1.